

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

REMBRANDT VISION
TECHNOLOGIES, L.P.,

Plaintiff,

v.

CIBA VISION CORPORATION,

Defendant.

Civil Action No. 2:05-cv-491-CE

PARTIES' STIPULATION TO
DISMISS PLAINTIFF REMBRANDT'S CLAIMS WITH PREJUDICE AND JOINT
MOTION FOR ORDER OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and 41(c), Plaintiff Rembrandt Vision Technologies, L.P. and Defendant CIBA Vision Corporation (collectively the "Parties") hereby stipulate and agree to the dismissal of all of Rembrandt's claims in this action with prejudice, with each party to bear its own costs, expenses, and attorney fees.

The Parties have executed a confidential Settlement Agreement, dated April 17, 2009, resolving all claims asserted by the Parties in this action ("Agreement"). Pursuant to the Agreement, the Parties agreed to move the Court for an Order dismissing all of Rembrandt's claims with prejudice. Accordingly, the Parties hereby respectfully request that the Court enter the attached Proposed Order dismissing the claims in this action as set forth herein.

Dated: April 21, 2009

STIPULATED AND AGREED.

By: /s/ Robert Christopher Bunt
Robert Christopher Bunt
Texas State Bar No. 00787165
Robert M. Parker
Texas State Bar No. 15498000
Charles Ainsworth
Texas State Bar No. 00783521
PARKER, BUNT & AINSWORTH, P.C.
100 E Ferguson, Suite 1114
Tyler, Texas 75702
Tel: (903) 531-3535
Fax: (930) 533-9687
rcbunt@pbatyler.com
rmparker@pbatyler.com
charley@pbatyler.com

Otis W. Carroll, Jr., Lead Attorney
State Bar No. 03895700
Jack Wesley Hill
State Bar No. 24032294
IRELAND CARROLL & KELLEY, PC
6101 S. Broadway, Suite 500
Tyler, TX 75703
Tel: (903) 561-1600
Fax: (903) 581-1071
fedserv@icklaw.com

Thomas Melsheimer
State Bar No. 13922550
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Tel: (214) 747-5070
Fax: (214) 747-2091
Melsheimer@fr.com

Frank P. Porcelli
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110-2804
Tel: (617) 542-5070

By: /s/ Michael E. Jones
with permission by Robert Christopher Bunt
Michael E. Jones
State Bar No. 10929400
Allen F. Gardner
State Bar No. 24043679
POTTER MINTON
A Professional Corporation
110 North College, 500 Plaza Tower
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846
mikejones@potterminton.com
allengardner@potterminton.com

V. Bryan Medlock, Jr.
SIDLEY AUSTIN LLP
717 North Harwood, Suite 3400
Dallas, TX 75201
Telephone: (214) 981-3300
Facsimile: (214) 981-3400

Rachel Krevans
Eric Walters
Amy Manning
MORRISON FOERSTER
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5600
Facsimile: (650) 494-0792

Timothy C. Meece
Thomas K. Pratt
Michael J. Harris
BANNER & WITCOFF, LTD.
10 S. WACKER DRIVE, SUITE 3000
Chicago, Illinois 60606
Telephone: (312) 463-5000
Facsimile: (312) 463-5001

John P. Iwanicki
BANNER & WITCOFF, LTD.

Fax: (617) 542-8906
Porcelli@fr.com

Timothy Devlin
FISH & RICHARDSON P.C.
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899
Tel: (302) 652-5070
Fax: (302) 652-0607
tdevlin@fr.com

JONES & JONES, INC., P.C.
201 West Houston Street, Drawer 1249
Marshall, TX 75671-1249
Tel: (903) 938-4395
Fax: (903) 938-3360
Maizieh@millerfirm.com

S. Calvin Capshaw, III
State Bar No. 03783900
BROWN MCCARROLL, L.L.P.
1127 Judson Road, Suite 220
P.O. Box 3999
Longview, TX 75601-5157
Tel: (903) 236-9800
Fax: (903) 236-8787
ccapshaw@mailbmc.com

ATTORNEYS FOR PLAINTIFF
REMBRANDT VISION TECHNOLOGIES,
L.P.

28 State Street, 28th Floor
Boston, MA 02109-1775
Telephone: (617) 720-9600
Facsimile: (617) 720-9601

ATTORNEYS FOR DEFENDANT
CIBA VISION CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with notice of filing of this document on April 21, 2009 via the Court's CM/ECF system per Local Rule CV-5(a)(3).